



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 11

MCDERMOTT, WILL & EMERY
18191 VON KARMAN AVE.
SUITE 400
IRVINE, CA 92612-7107

In re Application of :
Buswell et al. :
Application No. 09/400,733 :
Filed: September 21, 1999 :
Title of Invention: :
IMPROVED METHOD AND APPARATUS :
FOR DISPLAY OF WINDOWING :
APPLICATION PROGRAMS ON A :
TERMINAL :

COPY MAILED

MAY 21 2004

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.137(B), filed December 23, 2003, to revive the above-identified application. The delay in treating this petition is regretted.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application (under 37 CFR 1.137(a)), must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under 37 CFR 1.137", and be addressed to Petitions Attorney Derek L. Woods. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed October 30, 2000. The Notice set a statutory period for reply of three (3) months. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the above-identified application became abandoned January 31, 2001. A Notice of Abandonment was mailed on May 22, 2003.

Applicant files the instant petition and avers that a continuation application and transmittal sheet are enclosed with the petition. A review of the application file and Office records reveal that no continuation application have been filed with the instant petition, nor have any filing fees for a

continuation application been assessed Applicant. A review of the petition reveals that the petition authorizes the petition fees only.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed); (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) if required, a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). Applicant lacks item (1).

As to item (1), Applicant has not submitted a reply to the October 30, 2000 Office action. Applicant must submit a reply to the Office action as part of the requirement for granting a petition under 37 CFR 1.137(b).

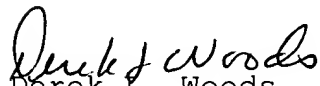
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: 2201 South Clark Place
 Customer Window
 Crystal Plaza Two, Lobby Room 1B03
 Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at 703-305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions